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Black Books: Sedition, Circulation and The Lay of the Last Minstrel

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Black Books and their disruptive, transformative and volatile activities are everywhere in Scottish writing of the Romantic period. The wizard Michael Scott's "black spae-book" makes an appearance in the ballad "Lord Soulis," contributed by John Leyden (and in fact written by him) to Walter Scott's Minstrelsy of the Scottish Border. The same book of spells then reappears in 1805 as the central plot motif of Scott's first long poem, The Lay of the Last Minstrel. In 1822 both Michael Scott and his magic book play important roles in James Hogg's epic Borders Romance The Three Perils of Man. Walter Scott's own The Monastery of 1820, set on the cusp of the Scottish Reformation, features a very distinctive Black Book that is simultaneously a book of spells and a Protestant bible, both supernatural object and emblem of rational reading. On the one hand, it is the property of the aristocratic, Catholic Avenel family with its status bound up in the family's ghostly guardian, the White Lady, and its movements under her magical control. On the other hand, the Black Book is associated with an emergent Protestant class—it is in English and can be understood by personal reading without the mediation of any superior power. The novel recalls an earlier instance of a similar phenomenon recorded in a footnote to the Minstrelsy. Scott is interested in an exorcism/magic spell (he uses both terms) designed to keep the spirit of a dead prisoner under control: "A part, at least, of the spell, depends on the preservation of an ancient black-letter bible, employed by the exorcist."¹ If the bible is removed from the castle, the ghost will walk. The book's potency depends in part on its being read by the

exorcist, “a man of art,” and part upon its magical presence.² Black magic and black-letter are not clearly distinguishable.

This doubled status—the book as magic object and as discursive text—is deeply embedded in Scottish Romantic writing. It is rooted in Scots language, where “glamour,” a magic spell, is cognate with “grammar,” or book-learning, so that the material and textual status of books continually tip each into the other.³ At the heart of Scott’s The Lay of the Last Minstrel is a magic book, property of the wizard Michael Scott and possessed “much of glamour might.”⁴ This book circulates in mysterious ways throughout the poem, passing from one character to another as each seeks to access its magical power—a power that, like the other Black Books I mention above, has a double force. The book is at once a talismanic magical object that cannot so much as be opened by the normal processes of reading, and a text whose spells can be read, learned, and uttered in new contexts.

If grammar and glamour are encoded in language, they are also enmeshed in the processes of political and cultural history, or, more precisely, in the relation between the two. The book of spells acts both metaphorically and metonymically as a locus of power—a trope that condenses diverse ideas about reading and authority, magical lore and political law, onto a single, remarkable object. And the relations of law and literature—in the 1790s the two possible trajectories of the career of Walter Scott—are what allow us to read The Lay of the Last Minstrel more specifically as a poem about the function of books at the turn of the century. Scott’s early major publications, the Minstrelsy and the Lay, appear at a point when the public spheres of law, literature and politics were undergoing a process of reshaping. Ian Duncan has diagnosed at the start of the nineteenth century a deep-rooted but contested revision of the idea of the republic of letters. Duncan detects an anxiety about the commercialisation of culture through an exposure to

market forces. Literary journals, which could hardly claim an exception to such forces, react by establishing themselves as cultural arbiters, replacing the unruly forces of consumer desire with a regulation and hierarchization of reading, taste and judgment. It was no coincidence that the founders and early contributors to these legislators of culture were also members of the Scottish legal establishment. The Edinburgh Review, established in 1802, was founded by men—most notably Francis Jeffrey—who were both lawyers and literary figures. Scott would himself become a leading contributor to the Quarterly Review (founded 1809). Legal power became absorbed into cultural institutions that could make the claim (despite day-to-day evidence to the contrary) that they were apart from, or above, the factionalism and enthusiasm of political life, or that political debates were best conducted through the rational medium of letters. Ian Duncan sums up the significance of this moment in Scotland's cultural history when law and literature become bound together in the establishing of civil society, pointing to

The Edinburgh Review's sociological claim on a class position and an institutional base independent from the leveling flux of the market with its promotion of the faculty of judgment, the disinterested ideal of the Scots legal profession. [...] Just as the law regulates civil society, so will the Edinburgh Review institute a literary legislature. Many of the reviewers actually were advocates, members of the elite class in Edinburgh society, so that the assumption of judicial authority marks the Edinburgh Review's epochal, and controversial, institution of a modern professional literary sphere.⁵

This claim for a disinterested literary legislature, always contested and barely concealing its internal political tensions, remained, as Duncan points out, vulnerable—not least in the eyes of Scott, who, while broadly supportive of the Reviews' bid for cultural independence and

authority, recognized at the same time their inability to remain aloof from party. One way of tracing the immediate history of this anxiety is to think about the functions of literature in the political field in the decade before the founding of the reviews, and to ask how effective was the new regime of literary authority in distancing the recent political violence of the 1790s.

In 1805 Scott published The Lay of the Last Minstrel, a poem that expresses the strain placed upon the social order by a collision of law and literature that generates violent and unpredictable forms of power. He had begun the poem in 1802 (with a view, soon abandoned, to including it in the imitations volume of the Minstrelsy), and the association of the wizard Michael Scott and his infernal book with the area of the Scottish Borders where Scott was collecting ballads dates back much earlier. Written and published in the early years of the nineteenth century, the Lay also has a genealogy from the 1790s. Both the poem and the literary world of the periodical that Duncan describes instigate the erection of cultural barricades against something more socially disruptive—in the case of the Edinburgh Review, political faction and commercial competition, and, in the case of the Lay, a pre-modern, violent magic that casts the book as a dangerous object of immense but wayward force.

The Lay of the Last Minstrel is told twice: once during the course of the poem by the minstrel-narrator to a seventeenth-century Duchess of Buccleuch, and then again by Scott at its 1805 publication with a dedication to the Earl of Dalkeith, eldest son of the author's patron, the current Duke of Buccleuch. Richard Cronin argues that both the poem itself and the book of spells it describes are to be “understood as [...] an item of cultural history.”⁶ But if the Lay ends up as history, as an exhibit from an oral culture now subject to the authority of antiquarianism, or as a cultural artefact in the possession of an aristocratic family, the book it depicts is barely containable by any representative of power within a poem that explores forms of literature

spilling out from the world of cultural regulation and into other forces. The Lay threatens the very concatenation of law and culture that Edinburgh literary society was striving to establish and it does so, I will argue, partly in response to radical uses of books in the 1790s.

To emphasize the strangeness of The Lay of the Last Minstrel and the violent forces that Scott allows to play out in it, we can introduce its political context with a work from the same period by another author to whom Tory positions are generally ascribed—Jane Austen. In Northanger Abbey, written during the 1790s, Catherine Morland informs Eleanor Tilney that she has heard “that something very shocking indeed, will soon come out in London.” Catherine, of course, means a Gothic novel but Eleanor thinks she is talking about a political riot. This incurs the scorn of Eleanor’s brother, Henry, who informs Catherine: “You talked of expected horrors in London—and instead of instantly conceiving, as any rational creature would have done, that such words could relate only to a circulating library, she [Eleanor] immediately pictured to herself a mob of three thousand men assembling in St. George’s Fields.”⁷ The “rational” way of thinking, then, is to make a clear distinction between books on the one hand and riots on the other. Reading this moment in her account of how the novel genre both produces and disciplines the modern subject, Nancy Armstrong identifies in it a key “act of translation” that manoeuvres Northanger Abbey away from the violence and chaos of political conflict and onto a plane of cultural debate where disputes can be resolved in the public world of writing, pre-eminently that of the novel:

Here we have what might be called a cultural event (the arrival of a new book at a circulating library) rendered as a political event (a violent rebellion requiring military action). The great irony of this passage is that in demonstrating her heroine’s folly in responding to a cultural event as if it were a political event,

Austen effectively translates the imminent possibility of political conflict into a cultural debate in which words grounded in the object world invariably win the day.⁸

It is precisely this act of translation, when political actions and cultural events are supposed to be disciplined into their separate categories, that is made difficult by radical protest in 1790s Scotland. What should lead to the harmonious reign of law and literature, presided over by the Edinburgh Review, was at the time manifesting itself as a most inharmonious amalgamation of rioting and reading. In these circumstances, books and riots are not clearly discernable as different things, and the very nature of a book as a knowable object is in doubt. In what follows, I want to set The Lay of the Last Minstrel against some examples of books that signally fail to take their place in an ordered republic of letters. In the post-Revolutionary decade, Scott, whose legal career did not seem destined for great public success and who was yet to turn to novel-writing, was living at a time and in a place in which both the power of books and their ontological status were unpredictable and subject to radical change. In a movement that can be traced from 1790s radicalism to Scott's 1805 poem, we witness examples of writing that are possessed of enormous potential or actual power, but that cannot be easily contained or defined as cultural objects. Both the energies and the unstable identities of these texts circulate through political protests and their suppression and prosecution, and through The Lay of the Last Minstrel.

I. The Militia Riots

The picture that we inherit of Scott's relation to his own locality in the 1790s and shortly afterwards is one that triumphantly proclaims the ascendancy of literary culture over any legal trouble. The end of the decade saw his appointment in 1799 by the Duke of Buccleuch as Sheriff of Selkirkshire, followed by the appearance of the two-volume *Minstrelsy* in 1802. John Gibson Lockhart, Scott's son-in-law and biographer, later characterized Scott's legal duties to Selkirkshire as a sinecure—the intervention of the law being practically unnecessary in such a “peaceful” region—that allowed him to continue with his great project of ballad-collecting:

The duties of the office were far from heavy; the district small, peaceful, and pastoral, was in great part the property of the Duke of Buccleuch; and he turned with redoubled zeal to his project of editing the ballads, many of the best of which belonged to this very district of his favourite Border — those “tales” which, as the Dedication of the *Minstrelsy* expresses it, had “in elder times celebrated the prowess and cheered the halls” of his noble patron's ancestors.⁹

Lockhart's comfortable portrait, written from the vantage point of the 1830s, is not, however, the whole picture. If we look more closely at Scott's literary portraits of the Borders, as well at as the local political history of the area, we will discover a place of unrest and conflict in which books were to play a very important role not as a defense against the violence of radical movements but as an articulation of that violence. We can approach these much less peaceable Borders through Scott's 1816 novel The Black Dwarf, which draws a picture of a volatile and confused political landscape:

The general resentment led to the strangest leagues and to the wildest plans. The Cameronians were about to take arms for the restoration of the house of Stuart, whom they regarded, with justice, as their oppressors; and the intrigues of the

period present the strange picture of papists, prelatists, and presbyterians, caballing against the same government, out of a common feeling that their country had been treated with injustice. The fermentation was universal; and, as the population of Scotland had been generally trained to arms, under the Act of Security, they were not indifferently prepared for war, and waited but the declaration of some of the nobility to break out into open hostility. It was at this period of public confusion that our story opens.¹⁰

The countryside is alive with unrest following the 1707 Act of Union between England and Scotland, but Scott's description of it reads very like late eighteenth-century fears of Jacobin plots and the formation of radical societies such as the United Scotsmen: "The general resentment led to the strangest leagues and the wildest plans." There are echoes too of the contemporary post-Napoleonic depression, rural unemployment and consequent fears on the part of the authorities of combination, organized unrest and radical protest among the working people. In the novel, hostility to the government spreads, and "[t]he fermentation was universal" as a population "trained to arms" might be sparked in violence at any moment. In this climate of political uncertainty and "public confusion," a violent factionalism seems to be arising from more complex political distinctions. "[P]apists, prelatists, and presbyterians" are all drawn into one anti-government category that calls up another revolutionary moment—Scott's phrase echoes in Henry Cockburn's remark about the uses of the term "Jacobin" in the 1790s:

Jacobinism was a term denoting everything alarming and hateful, and every political objector was a Jacobin. No innovation, whether practical or speculative, consequently no political or economical reformer, and no religious dissenter, from

the Irish Papist to our own native Protestant Seceder, could escape from this fatal word.¹¹

If we look again at the Borders of the 1790s, and specifically at the very area in which Scott and his assistants were conducting fieldwork for the Minstrelsy, we see that, so far from Lockhart's sleepy, inconsequential location, Scott's jurisdiction as Sheriff in the county of Selkirkshire witnessed some violent disruptions. In late August of 1797, the newspapers throughout Britain carried reports of disturbances in a number of Borders towns, and the London Chronicle reported an incident that took place in the market town of Selkirk on August 26:

In this place on Monday the 21st inst. being the Fair Day, at twelve o'clock, there assembled at the east end of the town, to the number of between 7 and 800 young men, who thought themselves injured by the New Militia Act, and there uniting themselves, resolved to stand or fall together, in case it should be put in force against many of them. They next processed in a body through the streets, in rank three men deep, threatening vengeance on all the gentlemen in the neighbourhood of Selkirk, that had any hand in taking down their names. At last they arrived at the Sheriff Clerk's Office, and demanded all the lists of the different parishes in the county, threatening, if these were refused, to burn his house. On his hesitating, they broke his windows, and then, in a trembling state, he gave up all the papers in his possession.¹²

These protests were in opposition to an Act that inaugurated in Scotland a similar system of conscription to that current in England: in order to raise further troops for the war with France, county authorities would now be able to conscript men by ballot. The first riot was in Eccles, a village a few miles away from Kelso (where Scott had been to school, and where his

schoolfriend James Ballantyne was to print the Minstrelsy) and protests quickly spread to the nearby towns of Jedburgh and Selkirk. Four of the participants in the Eccles incident were later sentenced to transportation.¹³

There had been in the eighteenth century a long debate about the value of militias, but they did not generally include the voices of those liable to be conscripted into one. Kenneth Logue's careful documentation of the record of reasons for the opposition to the Scottish Militia Act reveals new as well as long-standing positions on forms of conscription. A republic tradition within the Scottish Enlightenment, culminating with Adam Ferguson, had argued in favor of volunteer militias that would strengthen the social bonds of a civic society by identifying soldiers with citizens, and the random mechanism of the ballot was consequently seen as a betrayal of national unity and contractual forms of government.¹⁴ One petition argued that the random nature of the scheme was directly in opposition to the patriotic spirit of the Scots: "why Drag them by the ballot after the Spirit they had shown to serve the Country, especially as they were still of the same mind."¹⁵ But to the authorities, the militia riots were an alarming manifestation of popular protest, and, while we should respect Gordon Pentland's warning about too quickly confusing "popular political activity and genuine radical politics," the Scottish political and legal bodies were themselves quick to ascribe assertions that the Act was unconstitutional to dangerous Jacobin tendencies.¹⁶ What seemed to matter most to the protesters, however, was the way in which their lives and futures depended on the written word. In the London Chronicle report of the Selkirk incident, the protestors seize documents—papers from the Sheriff Clerk's office, recruitment lists from the constables, a pocket book from a local "gentleman."¹⁷

Despite the newspapers' attempts to present the riots as an outbreak of unthinking violence, numerous examples suggest that it was important to the protestors to express their

actions as rational and reasonable decisions. A common exchange is an attempt on the part of local officials to explain the Militia Act, and a counter-assertion by the protesters that they already knew and perfectly well understood what it said. In particular, the militia riots are marked by the use of written texts, and we see running throughout the protests the participants' interest in enacting their perceived legal rights through the physical possession and exchange of documents. In one sense, there seems to be a strong recognition of the book primarily as object—a material sign of authority. At Tranent, near Edinburgh, the wife of the schoolmaster recognizes this tendency, and tries to protect the recruitment list by substituting an old book for it and handing that over to the crowd instead.¹⁸ Protesters repeatedly demand the official recruitment lists to be handed over, they tear up parish registers, and they seize a number of session books.

In a second sense, however, this behaviour seems to have been less a straightforward or iconoclastic destruction of the physical symbols of an unpopular law and more the desire to seize control of legal documentation while maintaining the principle of documentary legality. It was quite usual for protesters to compel local officials to sign bonds agreeing not to enforce the Act. In one incident, further north at Faskally, the schoolmaster was allowed to write and sign a paper asserting that he acted under duress. The protestors seem frequently to operate under the sense that their legal status is driven by the authority of texts, and that their activities can be legitimized by written agreements. So, although the simple possession of written records is itself important, it is also clear that the protestors understood these documents not merely as objects but also as discursive texts that required interpretation and consensus. A very clear example of this occurred in Lanarkshire in the parish of Cambusnethan. When informed by the local schoolmaster that he had not yet compiled the conscription lists, an anti-Militia crowd asked him for written certification that this was the case. They then demand a list from James Lockhart,

Deputy Lieutenant of Lanarkshire, who, when attempting to explain the Act to the protesters, is met with the rejoinder that “they were themselves in possession of the Act, knew it well, but were determined, as was all Scotland, that no such Act should be carried into execution and that they would oppose it.”¹⁹

In general, then, the Militia Act protests were characterized by the exchange of documents and the location of legal authority in them. In particular, we might note how the power that depends on a cognitive sense of the Act (that is, knowing how to interpret it) is backed up with a sense of how that power depends on material texts (as in the Tranent example where the book itself is used as a token of authority). The power of the book is central to the protests, but its force and authority are doubled. It was not that these were illiterate peasants venerating written authority (Lowland Scotland was an area noted for its advances in literacy), but that, on the contrary, they had a clear sense of the distribution of power occasioned by the exchange of written texts. They understood both the symbolic force of documents and their referential function. The circulation of books during the riots is often violent (it certainly seemed dangerous to the parish officials) and provided evidence of uncontrolled political disruption to the government. But it is important to recognize that this unrest is based on a concomitant instability in what Nancy Armstrong identifies in Northanger Abbey as a difference between riots and books necessary to establish a cultural/political order. Rioting and reading were not at all clearly distinguished in the militia protests, and it was not possible to extract from them a single identity for the book as discursive participant in civil society.

II. The Trial of Thomas Muir

Four years before the Militia Riots, an event took place in which books also played a pivotal role, but were no easier to pin down as instruments/interpreters of power. Thomas Muir was a Glasgow lawyer who had been involved in the General Convention of the Friends of the People in Edinburgh in 1792 and had read out there an address from the United Irishmen. Muir was arrested in January 1793, tried for sedition in August that year and sentenced to fourteen years transportation. A transcript of the trial was immediately published by the radical bookseller James Robertson and quickly went through two editions. Nigel Leask's study of Muir—on which I build here—points out that the narratives of both the prosecution and the defense (Muir insisted on defending himself) are highly inflected with questions of textuality: "The language of the trial is obsessed with the mechanics of textual interpretation and transmission."²⁰ The charge starts off with a fairly standard accusation of sedition, expressed as "the wickedly and feloniously exciting, by means of seditious speeches and harangues, a spirit of disloyalty and disaffection to the king and the established government."²¹ But from the very start of the libel (the term in Scots law for the statement of charges), difficulties of categorizing the relation of law and texts have already set in. Henry Cockburn, whose later account of the Edinburgh sedition trials is very astute about the fragile jurisprudence upon which they rested, rightly calls it a "very crowded libel" as it lists an almost endless series of textual events that surround the seditious publications that form the center of the case.²² The libel reads:

as also, the wickedly and feloniously advising and exhorting persons to purchase and peruse seditious and wicked publications and writings, calculated to produce a spirit of disloyalty and disaffection to the king and government; as also, the wickedly and feloniously distributing or circulating any seditious writing or publication of the tendency aforesaid; or the causing to distribute or circulate any

such seditious writing or publication; as also, the wickedly and feloniously producing and reading aloud, in a public meeting or convocation of persons, a seditious and inflammatory writing tending to produce in the minds of the people a spirit of insurrection and of opposition to the established government; and, the publicly approving of, and recommending, in said meeting, such seditious and inflammatory writing, are all and each, or one or other of them, crimes of an heinous nature, dangerous to the public peace, and severely punishable : yet true it is, and of verity, that the said Thomas Muir is guilty actor, or art and part, of all and each, or one or other, of the said crimes, aggravated as aforesaid. (ST, 117)

We see here both the central importance of texts in the case against Muir, and the difficulty the prosecution has in establishing the exact role of these texts in the charge of sedition. Each stage of the indictment, so far from clarifying the relation between books and sedition, confuses the issue by introducing a multiplicity of contexts so that it is not possible to say exactly in what the charge of sedition inheres. What is the relation of “producing” to “reading aloud”? Does the distribution of a book amount to recommending it? What is the status of merely purchasing a book? What seems to be on trial here, as much as Muir himself, is the normal behavior of circulating texts—the very process of reading as well as the material and social functions of books—rewritten as a drama of danger, violence and crime.

If we examine the trial in more detail, we see again that the attempt to demonize Muir’s association with books is no less slippery in its details than it is in the general libel (a word that also means “little book”). As with the proliferation and confusion of charges, the evidence against Muir produces a narrative about books that circulate uncontrollably, their political status never quite established by their movement between producers and readers. And the most

demonic book of all in the Muir trial is the most notorious Black Book of the 1790s: Thomas Paine's Rights of Man. Rights of Man flits in and out of what is a protracted and complex account of events, but we can draw out some patterns by focusing on the testimony of four of the witnesses.

A public meeting takes place at Kirkintilloch, near Glasgow, during which Muir recommends the benefits of reading in general, but does not name any books that could be called seditious. When asked directly about Rights of Man, he avoids the whole issue, saying it is “foreign to the purpose” (ST, 213). After the meeting, he talks to Henry Freeland, a weaver who asks him about Paine. Muir says that Rights of Man has “a tendency to mislead weak minds” (ST, 143) but that if Freeland really wants to see a copy there is one in the pocket of his greatcoat, which is lying on a chair. Freeland does take the book from Muir's coat pocket, but finds that the pages are uncut (ST, 144). The next witness, John Muir, a former hatter, reports that he asked if he could borrow Rights of Man but Muir told him he must find his own and gave a servant money to get a copy. Thomas Wilson, Thomas Muir's hairdresser, then testifies that Muir suggested he buy a copy as “a barber's shop was a good place to read” (ST, 151). Wilson does not acquire the book.

The longest testimony is that of Anne Fisher, who had been a servant in Muir's father's household. Fisher claims that she has observed Muir's interactions with the “country people” who come into his father's shop and that “Mr. Muir has frequently said to these country people, that Mr. Paine's Rights of Man was a good book: that she has frequently bought this book for people in the shop, and that this was sometimes at the desire of Mr. Muir” (ST, 147). Fisher's testimony is not only the most damning, but considerably the most precise and detailed of the witnesses, and she is very likely to have been coached. She has a remarkably good command of

the exact titles of books and pamphlets, knows their authors, can identify legal works in French, and has a surprisingly extensive vocabulary.

In these different testimonies—all of which are used by the prosecution as evidence against Thomas Muir—Rights of Man circulates in different ways and its status as a book shifts. In the examples of Thomas Wilson and John Muir, the book performs a kind of invisible circulation. No actual copies are cited—the book moves almost imperceptibly by means of its general availability as a published text rather than manifesting its physical existence in specific volumes. But in the example of Freeland, the book functions rather differently. Here a singular volume is invoked and its movement between Thomas Muir and Freeland tracked. The indictment singles out this copy and its progress, stating that Muir “put into the hands of Henry Freeland [...] a seditious book or pamphlet [...] which the said Henry Freeland carried away with him” (ST, 119). The sharper eye of Henry Cockburn later commented sceptically: “Telling a person who asks for a book that it is in one’s pocket, and letting him take it, may, in one constructive sense, be delivering it into his hands; but these are the circumstances in which it was done.”²³ Cockburn’s use of the term “constructive” recalls a much discussed and controversial distinction between direct treasonous activity and its “constructive,” or imagined, counterpart.²⁴ The circulation of Rights of Man is here much more imaginary than evident. Perhaps in an effort to deflect attention from the fact that Muir could not be said actually to give the book to Freeland, Lord Advocate Robert Dundas, summing up the case for the crown, blames this on Freeland himself who becomes almost an agent of sedition: “such a mode of circulating a book, is that which a man in his situation will naturally adopt; he will not go on openly, but privately, and under various pretexts” (ST, 183).

The trial does not concern itself with demonstrating whether or not Freeland read this copy. In fact, during the transaction specified in the libel, he could not have done so as the pages were uncut. But there is one witness who does openly claim to have read Rights of Man and other seditious volumes—the prosecution’s star performer, Anne Fisher. Fisher, whose evidence is important in establishing the exact titles that associate Muir with sedition, states “that she herself read Paine’s Rights of Man, as she was curious to see what was in it” (ST, 147). For the prosecution, evidence of reading was unimportant—it was enough simply to prove Muir’s association with the book. But the narrative of the trial nevertheless depends upon Fisher’s reading prowess to the extent that Cockburn again comments sardonically that “it has never fallen to my lot to be acquainted with any servant maid who, untutored, could have given such learned evidence.”²⁵

The trial, then, exposes numerous ambiguities and inconsistencies in the relation of books and reading to legal evidence. First, the exact status of Rights of Man flits between the general publication and the singular copy. In one sense it is simply a metonymic sign of Muir’s generally seditious intent (he recommends it to the “country people”), while on the other it is a material object with a specific effect. This raises questions of proof—is association with Paine sufficient to condemn Muir?—but also of reading—does Rights of Man necessarily generate sedition when it is read? The prosecution is determined to produce evidence of the latter, but this is surprisingly difficult, in part because of the complex nature of the book itself. The copy singled out in the libel (the one in Muir’s coat pocket) is offered as a clear example of his corrupting influence, yet his agency is not demonstrable—at no point does he hand the book to Freeland or instruct him to get it. In this sense, Rights of Man starts to become less of a singular, material object and more

like the state of all published texts in which multiple volumes circulate according to the general flow of publication and dissemination.

If we compare the Freeland copy of Rights of Man with the one read by Fisher, another contradiction emerges, as the prosecution rests on a contradictory theory of reading. Paine's works are credited with two irreconcilable properties: in one sense, the book is seditious because of its contents, being liable, in the usual terms, to "produce a spirit of disloyalty and disaffection to the king and government." But this cannot be uniformly true: although the book is said to possess in itself a "wicked" tendency, Anne Fisher freely admits to having read it while remaining mysteriously unaffected. In a second, and contradictory, sense Rights of Man is deemed seditious by virtue of its mere existence. Freeland insists he has not read it, and makes the point that the copy he takes from Muir's coat pocket had the pages uncut. Yet this incident—evidence of Muir's malevolent power—is clearly important to the prosecution, which imposes on the book a fetishistic, talismanic quality.

The text is on the one hand imbued with an intrinsic force that does not appear to depend on its being read but rather acts as a kind of magical object that convicts Muir even where his agency cannot be shown by the normal relations of cause and effect. The prosecution depends partly on this inherent force in the book, yet such a property seemed to some observers at the time to verge on absurd superstition. During the trial, John Wilde, Professor of Civil Law at the University of Edinburgh and implacably anti-Jacobin, was in court. He passes a note to Muir when the subject of Freeland's getting the book from the coat pocket comes up and, when challenged on this, he stands up and says ("in a most candid and manly manner") that "he would have lent Paine's book if he had had it in his possession" (ST, 145).

Kevin Gilmartin has pointed out that blasphemous libel (the charge in a number of later English trials, but largely similar to the charge of sedition in most of the Scottish trials) has a complex textual existence: “The law of libel seized upon the printed text as a set of potential effects, achieved through publication, distribution, and reception as well as composition. [...] no one involved in producing and distributing radical discourse was immune from prosecution.”²⁶ The advantage of this legal move, for prosecution cases, was to draw in a range of people under the diffuse sign of authorship, but a further consequence was, as we saw in the Muir trial, a potential weakening of the case through the multiplicity of charges. The indictment introduces an almost absurd accumulation of verbal nouns to try to encompass all possible engagements that Muir is supposed to have had with seditious texts: “advising,” “distributing,” “exhorting,” “producing,” “reading aloud,” “publicly approving,” “recommending” and so on. Such a plethora of terms betrays an anxiety about what constitutes the relation between a text and its readers.

In an effort, perhaps, to compensate for, or gloss over, this problem, the prosecution in the Muir trial produces examples of seemingly objective actions that are supposed to condemn him, and many of them involve books as they circulate in the narrative of the trial in dramatic form. The trial implicitly, or accidentally, proposes different definitions of reading and different kinds of readers. Henry Freeland is a witness for the prosecution because he held the book, even if no one could witness him reading it during the incident described because the pages were uncut. Anne Fisher, on the other hand, has not only fetched the book from a shop, but has also looked into it and other dangerous books, and can read and understand the implication of their titles. During the trial, Freeland is part of a narrative in which merely touching a specific book has a dangerous and inevitable effect—for Muir to be guilty of sedition in the term of the indictment, Rights of Man must be assumed to have an inherently dangerous effect regardless of

how it is read. Fisher is part of a wholly different story in which one might read, understand and take an independent view of any written text.

Concomitantly, the trial constructs the idea of the text in two different ways. First there is the book that can be read by different people in different ways that, in fact, requires to be opened and interpreted for its political message to be grasped. Then there is the book whose political force is symbolic. Merely to hold the book in one's hands can transform one's political status—the book does not even have to be opened, and indeed in the case of Freeland the pages cannot immediately be opened as they are uncut. In fact, no one need have opened the book in court, as, in Cockburn's caustic words, Lord Justice Clerk Braxfield (one of five judges in the case) "saves himself and [the jury] the trouble of examining Paine's book" by simply stating that it was the sort of book that was always seditious.²⁷ The problem in this trial, as in all trials for sedition, is sedition itself. The section in the indictment that refers to the distribution of seditious writing, defines it as a tendency to produce a spirit of disloyalty and disaffection to the government. But this tendency, as in many of the sedition trials, is a particularly slippery form of Humean causality in that the tendency itself can never be empirically known, even though subsequent events are attached to it. Cockburn helpfully points out that this is what distinguishes sedition from other crimes such as murder. In the case of murder, Cockburn observes, the act itself can be produced and categorized as evidence in answer to the sequential questions: "Was the act charged done? [...] was it done criminally?"²⁸ But sedition is a crime that pits the interpretation of the past against the prognostication of the future. In fact, it relies on the notion of "tendency" or the likely effects of spoken or written texts on groups of people, a prediction or likelihood rather than an established event. How is the textual crime committed to be depicted in narrative?

Owning a book? Reading it? Passing it to someone else? William Godwin sums up the problem inherent in these questions in an Enquirer essay of 1797:

To ascertain the tendency of any work is a point of great difficulty. The most that the most perfect wisdom can do, is to secure the benefit of the majority of readers. It is by no means impossible, that the books most pernicious in their effects that ever were produced, were written with intentions uncommonly elevated and pure.²⁹

Godwin's warning is played out during the Muir trial, when Rights of Man becomes an object of huge legal importance, yet one whose status as a book and whose relation to the act of reading are very difficult to pin down.

III. The Lay of the Last Minstrel

The last of the first wave of sedition trials in Scotland was that of Thomas Wilson (a weaver charged with making seditious remarks), which was held in Perth in 1802, the same year that saw the founding of the Edinburgh Review and Scott's first draftings of The Lay of the Last Minstrel. But if the Edinburgh Review was an attempt to mark the rise of a legal-cultural order of disinterested literary value, Scott's poem sets up more fragile boundaries between that order and the radical violence of the previous decade. Both the Militia protests, with their anti-Austenian confusion of riots and books, and the Muir trial confound the choices of what Henry Tilney calls "any rational creature." Northanger Abbey's distinction between gothic fears and social realism is blurred in ways that run throughout The Lay of the Last Minstrel and are prefigured in the way that the gothic, supernatural world of the poem already colors the Muir trial. Robert Dundas's

summing up uses darkly gothic terms to describe Muir's almost supernatural powers. For Dundas, Muir is a "dæmon of sedition" (ST, 181) and he lurks in his father's back shop poring over seditious publications: "it was there, in that cathedral of sedition, he sat like a spider, weaving his filthy web to ensnare the unwary" (ST, 183). More specifically, the trial's gothic imagery resonates with political arguments about the apparently supernatural effects of literature and the language of delusion. Both anti-Jacobins and radicals drew on this discourse. Ian Hayward observes of the controversy surrounding Rights of Man that "[I]n loyalist demonology, the book is both cursed and a curse. Paine is a sorcerer, infecting, inflaming and contaminating anyone he contacts."³⁰ Hayward notes how the propensity of the text actually to create among a new plebeian readership the kind of rational, self-determining readers it advocates was countered by an anti-Painite move that sought to prove that the consumption of Paine's work was in fact the cause of delusion. The ground was contested by radicals using precisely the same rhetoric of the evil charm that deceives the unwary or the complacent. Only radical reform can counter such deception:

The pomp of courts no more engage;

The magic spell is broke,

We hail the bright reforming age!

And cast away the yoke!³¹

A common radical argument was that hegemonic uses of language cast an evil, delusory magic over the poor that could only be dispelled by popular literacy, giving access to what words "really" mean. Jon Klancher neatly sums this up: "The radicals' verbal truth insists upon its reference, the squaring of signs with things and writers with the readers they represent."³² Thomas Preston, reviewing the political education of his fellow-radicals in the 1790s, celebrates

the transformation of the legal document, such as a warrant for impressment, from talismanic object to discursive text and the consequent dispelling of illusion:

There were many people, who, though conversant with their dictionary, would have it, that Reform meant Deform, and that Revolution was a compound of Blood and Madness. [...] The increase of reading has dissipated the delusion, and people now know the meaning of words whether spoken in the Senate, wrote in a lawyer's bill of costs, or printed on an impress warrant. The charm of Ignorance which had so long lulled my mind into a comparative indifference at the people's wrongs, was now beginning to disappear.³³

Thomas Preston here makes a clear distinction between what Claude Lévi-Strauss, in “The Writing Lesson,” would much later call writing as sociological and writing as intellectual, between the magical/symbolic power of the book over illiterate people, and the cognitive grasp of readers of a book’s contents. When the “delusion” of the instruments of authority is lifted, the people have the power to judge and determine political writing for themselves. But in the instances we have looked at—the militia protests and the sedition trials—the case is not so clear-cut. The Muir trial confused issues of agency, proximity and reading—it is never clear either if one must actually read the book to be corrupted by it, or if reading will necessarily produce that effect. The militia protesters, in their turn, identify documents as social symbols and material objects, but also as discursive, interpretative texts.

These questions are woven into The Lay of the Last Minstrel, which takes us back to Scott’s status as Sheriff, thanks to the patronage of the Duke of Buccleuch, and open up new ways of reading the text politically. The poem takes place in the Scottish Borders, specifically at Branxholme (in the poem “Branksome”) Castle, which, as Scott’s endnote informs us, was “the

principal seat of the Buccleuch family” who also bear the surname Scott (L, 54). The dedication is to the Earl of Dalkeith, eldest son of the current Duke at the time of publication, and the minstrel recites his lay about an earlier generation of Scotts to a seventeenth-century Duchess from the same family. In one sense, then, the poem’s frame is a way of securing it within an aristocratic social order in which the events are turned into an exhibit from an oral culture, now subject to the authority of antiquarianism, and as a cultural artefact in the possession of a noble family. The events within the poem, however, suggest significant challenges to such a social order of cultural containment, and ones that might well need the triple security of the aristocratic generations to secure them. The complicated plot (whose details I give selectively here) traces a shifting set of social and class-related identities as well as a competition for the power of the magic book. The Lady of Branksome sends her retainer Deloraine to fetch the ancient wizard Michael Scott’s magic book from his grave in Melrose Abbey. She intends to use its magic to prevent the marriage of her daughter Margaret to Lord Cranstoun, as there is a feud between the two families. On the way back from Melrose, Deloraine fights and is wounded by Cranstoun, who has acquired a mysterious goblin page (actually, the ancestral servant of Michael Scott). Cranstoun leaves both Deloraine and the book with the goblin page. Various magical transformations are facilitated by the book, and Cranstoun fights a duel on the Lady’s behalf while disguised as Deloraine, thus winning Margaret’s hand. A spectral Michael reclaims the goblin page in dramatic fashion, but the fate of the magic book (as we shall see) is less certain.

The presence of the book troubles the *Lay*’s own claim to national strength and patriotism. The most celebrated section of the poem (after the description of Melrose Abbey by moonlight) is the minstrel’s introduction to Canto Six:

Breathes there the man, with soul so dead,

Who never to himself hath said,

This is my own, my native land! (L, 39)

Simon Dentith, who, like me, reads the poem as a response to “the heightened patriotic atmosphere of 1805,” points out the close connection here between oral recitation and national feeling: “an intimate relation between minstrelsy and patriotism which is under-written by the scene of recitation in the past, and continues into the moment of patriotic crisis in the present.”³⁴ But the intimacy of this relation is disrupted by the poem’s present-day medium—the printed book—and the behaviour of its earlier counterpart in the *Lay*. The poem’s elegiac frame-narrative mourns the passing not only of several members of the Scott family, but also the high status of the minstrel’s oral art, now degraded through popularisation: the minstrel has “tuned, to please a peasant’s ear, / The harp, a King had loved to hear” (L, 2). The suggestion that “village churls” listen as if at a different aural pitch from that preferred by “high dames and mighty earls” (L, 2) preserves an almost corporeal hierarchical distinction that is under threat in the poem’s narrative. The power of the magic book is an art of delusion which endangers the social order of gender, age and—particularly significantly in the poem—social class:

It had much of glamour might;

Could make a ladye seem a knight;

The cobwebs, on a dungeon wall

Seem tapestry in lordly hall;

A nut-shell seem a gilded barge,

A sheeling seem a palace large,

And youth seem age, and age seem youth:

All was delusion, nought was truth. (L, 16-17)

Given that the minstrel is reciting the poem in what is supposed to be an authentic lordly hall, Newark Castle, the idea of the humble dwelling of a shepherd magically but inauthentically transformed into a palace might give his audience (and Scott's readership) cause for concern. And this anxiety is played out in the poem. The character making greatest use of the magic book is the goblin page, whose mischief is socially identified—he is a bad servant or disloyal retainer. Servant of Michael Scott, he works against the interests of the Scott family, specifically the aristocratic Lady of Branksome, and his malevolence is directed against her “noble child” (L, 17). He seems to have something of a master-slave relation with his temporary master, Lord Cranstoun, forcibly attaching himself to the knight despite Cranstoun's attempt to ride five miles to get rid of his new and unwelcome retainer. He displeases his ancestral master by actions that the poem considers to amount to “foul treachery” (L, 41): while enjoying his freedom from Michael he seeks to “rouse debate and jealousy” (L, 40) among the guests at Branksome by acting as an agent provocateur and stirring them up to violence and faction. We are reminded of Thomas Muir, the “demon of mischief” (ST, 184) according to Robert Dundas, and his alleged provocation of “the country people.” The treachery of rebellion and the violence of faction were, as Nancy Armstrong and Ian Duncan both note, the very things that literary culture was supposed to contain, but The Lay of the Last Minstrel complicates this state of affairs.

At the heart of the poem—and the source of all its social power—is the book of spells. The Lay enacts a contest for its power between the Lady of Branksome, who seeks to requisition it for her own magical purposes, and the wicked page, who uses it to kidnap her son. But this is a book whose function and ontological status are no easier to determine than are those of any of the other books we have so far encountered. The Lay of the Last Minstrel has been the topic of some important criticism that has explored its strangeness, complexity, and metacommentary on

its own status as a text. Nancy Moore Goslee notes that “Michael Scott’s book of magic [...] is the central image for a cluster of metaphors that illustrate writing’s escape from social embedding and its definitions of a group’s sense of truth; yet writing also signifies that scientific, legal, and historical documentation necessary for a more modern sort of truth.”³⁵ Celeste Langan’s groundbreaking study of the poem’s interweaving of images, words and sounds as a complex stage in the development of printed poetry introduces many of the textual events and doublings for which I want to suggest a historical context.³⁶

Both Goslee and Langan tease out the multiple implications of the literary significance of character who is both a goblin page and also a “page” of a narrative poem about a book, and to these we can add a historical precedent. Muir, the “demon” of mischief and sedition, according to Dundas, is also both a man and a text. Muir insists on defending himself in his trial in the knowledge that this will give him a platform for political speeches that will circulate as printed texts. Nigel Leask describes this process:

The trial of course offered Muir an ideal platform from which to amplify what he described as his “feeble voice” over Scotland and the world: a transcription was published and quickly went through three editions selling at 3/-octavo (two published in New York), and a cheaper one at 1/3d. Muir’s defence speech was published as a separate pamphlet and achieved huge circulation.³⁷

The frontispiece for Robertson’s edition of the Trial of Thomas Muir—which fulfilled precisely this function—is illustrated by the figure of Muir brandishing towards the front of the picture a sheaf of papers, with more piled on a reading desk at his side. And the idea of the dissemination and circulation of texts is central in both the trial and the Lay of the Last Minstrel. The prosecution tries to map the movement of particular copies of Rights of Man, yet their

circulation cannot be so easily tracked. At no point can it be shown that Muir gave anyone a copy of the work. The trial cannot demonstrate that the volume in a pocket of the great coat Muir was not even wearing at the time passes into the hands of anyone else with seditious effect. Anne Fisher's evidence is an attempt to condemn Muir through implication rather than through demonstrable agency.

And this reminds us that books and pages are not necessarily the same thing. Muir—who must have known his decision to defend himself would result in a guilty verdict—counts on the disembodied circulation of his text to continue his political work when his own physical presence has been removed. In The Lay of the Last Minstrel it is easy to forget that when Michael Scott comes to reclaim his goblin page, he does not at the same time take back his magic book; in fact, it is not at all clear what does happen to the book or where it is at any given point. The page reads one spell in the book, before the ghostly Michael clouts him round the head. He then delivers the wounded Deloraine to the Lady. Does he keep the book? He apparently uses the spell that has the power to make “youth seem age and age seem youth” and so on to transform himself into a child in order to lure away the son of the Lady, and then passes on the same spell to Cranstoun so that the knight can gain access to Branksome Hall, but the movement of the book itself is not narrated. After the Lady has agreed to the marriage of Cranstoun and Margaret, Cranstoun tells her some of what has happened but not all: “half his tale he left unsaid” (L, 37). The Lady then thinks she had better not perform any magic in public, and later that night she remembers about the book almost as an afterthought:

But well she thought, ere midnight came,
Of that strange page the pride to tame,
From his foul hands the Book to save

And send it back to Michael's grave.

Needs not to tell each tender word

'Twixt Margaret and 'twixt Cranstoun's lord. (L, 37)

The swift, almost awkward, change of subject to Margaret and Cranstoun seems to indicate something unspoken or inexplicable. Exactly what happens to the book is never established—we do not witness anyone returning it to Michael, or the page getting his hands on it again as the Lady fears. It remains lost somewhere in the poem, still in circulation, its power neither clearly in use nor clearly redundant. Scott himself was aware of the difficulty of curating both book and page simultaneously: “I had my book and my page still on my hands, and must get rid of them at all events. Manage them as I would, their catastrophe must have been insufficient to occupy an entire canto; so I was fain to eke it out with the songs of the minstrels.”³⁸ The book cannot easily be disposed of, and in fact gives rise to further texts, here the competing songs of the final cantos. In Scott's own mind, the significance of the magic book cannot be exhausted in its material presence, but passes into the realm of debate and cultural contest.

The examples of the Militia Protests and the Muir trial highlighted two aspects of the political existence of material texts. First there is the doubled status of the book as content and as object and the question of how or if a book must be read in order to invoke its authority. And secondly, there is the way books circulate, are substituted for each other, move without observable agency, and evade the easy identification of single authors, producers and readers. The Lay of the Last Minstrel collapses these two conditions into a singular text: Michael Scott's book of spells. The book's power derives from two distinct sources: the act of reading it and its own inherent force. The poem explores these ideas through the supernatural terms that were

already available as a political discourse from the 1790s. The book of spells calls on two forms of agency: first an ancient magical force, and secondly a seemingly more modern activity of reading—the world of literary debate that Nancy Armstrong establishes as the goal of Northanger Abbey. In the first case there is the example of Sir William of Deloraine, sent by the Lady of Branksome to get the book for her. She is extremely anxious that he does not read it (“If thou readest, thou art lorn! / Better had’st thou ne’er been born” [L, 6]), but Deloraine cannot read in any conventional sense as he is illiterate.

What happens next is a much stranger act of reading: having taken the book from Michael Scott’s grave, Deloraine is attacked and wounded by Cranstoun who is accompanied by the goblin page. When Cranstoun leaves, the goblin works out that the book cannot be opened by “unchristen’d hand’ but that the blood of Deloraine, smeared over the cover, will work just as well:

The iron band, the iron clasp,
Resisted long the elfin grasp:
For when the first he had undone,
It closed as he the next begun.
Those iron clasps, that iron band,
Would not yield to unchristen'd hand,
Till he smear'd the cover o'er
With the Borderer's curdled gore;
A moment then the volume spread,
And one short spell therein he read. (L, 16)

Deloraine, then, is not a reader in the modern sense—he does not engage cognitively with the book. But in another sense he is its most important “reader.” William McKelvy suggests a pun on “read” in the last line quoted above. Drawing on Celeste Langan’s reading of the poem as a “multimedia” event that can render the oral in the visual, McKelvy argues that “‘red’ and ‘read’ have become signs for the same sound in a metapoetic plot that has been unleashed by (and on) the page, a word that Scott uses duplicitously as he makes gestures that have to be seen in print and heard by the ear.”³⁹ Having established this close proximity between bleeding and reading, Scott infuses the latter with the former, proposing a magical or primitive form of reading that works by physical contiguity and material properties inherent in objects. So the book is “read” both by Deloraine in this magical sense, and by the goblin page, who reads, understands and—importantly—passes on the glamour spell (enabling Cranstoun to enter Branksome in the form of one of the Lady’s knights), thereby moving it away from the immediate proximity of the book.

In a reading of the persistence of romance modes in late Enlightenment Scottish literature, Ian Duncan detects in the Lay a re-imagining of a violent, forceful past within a literary culture that was defining itself as modern: “Scott defines the ambiguous status of his own poem: it is a printed text, a book, in a modern commercial society, which mimics the manners and covets the political energies of an ancient, feudal, and heroic oral culture.”⁴⁰ In the light of the questions about reading raised by the Muir trial, we can see how this general point takes on a particular significance in the opening of the book. The multiple act of reading in the modern sense is, as it was in the trial of Thomas Muir, haunted by an older, magical version of cause and effect that deduces agency from proximity. The book itself oscillates between these two worlds. As a magic artefact, it is rule-bound—it must be opened by Christian hand/blood, it is governed

by its own inherent magical properties. But, as Nancy Goslee points out, the book also has a wild freedom: “Randomly available to any reader who seizes it, the book is almost demonically free of the social constraints imposed on the minstrel who performs traditional songs in the midst of his own society” (to which we might add: in the midst of the ancestors of the Lord-Lieutenant of Midlothian).⁴¹ The moment of opening/reading the book encodes all these complex energies and agencies and brings them together in a process that simultaneously enforces and evades the law and draws us back to the Muir trial with its own book that is not immediately openable. In the poem, the iron clasps must be opened by blood; in the case of Thomas Muir the pages are uncut, but Muir is nevertheless condemned both for his proximity to it and for his agency in its effects.

The Lay of the Last Minstrel is a strange and complex text. Despite its weight of notes, frames and contexts for its fictional recitation and actual publication, the poem, like the book it describes, is difficult to contain. Scott had originally intended it for the Minstrelsy of the Scottish Border, part of the imitations volume, but it grew too long and complex to be contained within that form. It does not have the same overarching narrative form as Scott’s other long poems and, of course, it is not a novel, the form that allowed Scott to translate the unruly violence of the past into the heuristic structures of history. Where Scott’s first novel, Waverley, announces its separation from the past in its subtitle—’tis Sixty Years Since—the Lay’s multiple generations of the Buccleuch family, and its sense of simultaneous performance, work to give the impression of everything going on at the same time. Maureen McLane’s important study of the function of poetry as historical discourse in Romantic-period minstrelsy perfectly describes the way the Lay “is predicated on a trope of simultaneously conjunctive and disjunctive analogy.” The minstrel who narrates it, McLane writes, is at once a modern performer, tuning his harp to the audience of the present moment, and the last minstrel—that is to say, “that figure through whom Scott can

both represent minstrelsy and chronicle its obsolescence.”⁴² By focusing on the poem’s central book, rather than on its minstrel narrator, my own essay has explored this same condition in reverse view: it is the book of spells’ persistent refusal to be confined in its antiquarian context that evokes a politics as historically doubled as the poiesis that McLane describes.

This is why I think it is instructive to read The Lay of the Last Minstrel as a text that repeatedly evokes, without explicitly articulating, the climate of the 1790s. It is a text that not only marks a historical distance, but also allows the institution of literature to be invaded by the wilder energies of that decade. The recent past (the 1790s) summons up an older history, ostensibly to render all pasts officially over in a post-Revolutionary present (1805). But at the same time, that older period, invigorated by the force of an ancient magic, reanimates the recent past in Gothic form. And the book as cultural artefact works in the same way: its antiquarian interest (reminding us of the obsolescence of magic power) works paradoxically to reanimate, through analogy with more recent events, the dangerous politics and seductive power of the book. The poem comes right on the cusp of the civic society of literary Edinburgh, in which the legal establishment establishes its authority through a literary culture, and social behaviors can be controlled not by the violent imposition of the law in the sedition trials of the precious decade, but by the regulation of taste, rational debate and cultural discrimination. And at that verge, after witnessing ten years of radical protest and trials for sedition, Scott gives a voice to the forces that literary Edinburgh was working to subdue—the violence, uncontrollable circulation and ontological instability of Black Books.

¹ Walter Scott (ed.), Minstrelsy of the Scottish Border, 3rd edition, 3 vol. (Edinburgh: James Ballantyne, 1806) 1:xcvii.

² Michael Scott makes a late appearance in Scottish Romanticism in Allan Cunningham's Sir Michael Scott: A Romance, 3 vol. (London: Henry Colburn, 1828). Although this novel refers to The Lay of the Last Minstrel, Michael is no longer in possession of his magic book, but has himself become a virtual book of encyclopedic proportions. The preface announces that it is the author's intention to "present to my countrymen an image of the poetic belief of their ancestors; to gather from history, tale, and tradition, the torn and scattered members of popular superstition, and [...] to unite them into one consistent narrative" (1:v). Michael then assumes this role, reanimating the corpse of James IV from the field of Flodden and escorting him on a fantastical historical tour, including a pageant of authors from Gavin Douglas and Philip Sidney to Burns and Byron. Michael has become an unequivocal force for good, associated with the spread of literacy. In one of his encounters with evil spirits he is recognised as the originator of the printed book: "Thou art he who unsealed the fountains of written wisdom, and put that thing in mortals hands called a printed book, by which wisdom was revealed and spread over the earth like fatness, to freshen and fertilize it" (2:187).

³ For a study of the interrelations of "grammar" and "glamour" in relation to ideas about literacy and reading in Scotland, see Penny Fielding, Writing and Orality: Literature, Society, and Nineteenth-century Scottish Fiction (Oxford: Clarendon Press, 1996), 43-73.

⁴ Walter Scott, "The Lay of the Last Minstrel" in The Poetical Works of Sir Walter Scott, ed. J. Logie Robertson (London: Oxford Univ. Press, 1906), 16. Further page references are abbreviated "L" and appear parenthetically in the text.

⁵ Ian Duncan, Scott's Shadow: The Novel in Romantic Edinburgh (Princeton: Princeton Univ. Press, 2006), 52-3.

⁶ Richard Cronin, The Politics of Romantic Poetry: In Search of the Pure Commonwealth (Basingstoke: Macmillan, 2000), 98.

⁷ Jane Austen, Northanger Abbey, ed. Barbara M. Benedict and Deirdre le Faye (Cambridge: Cambridge Univ. Press, 2006), 113 and 114.

⁸ Nancy Armstrong, How Novels Think: The Limits of Individualism from 1719-1900 (New York: Columbia Univ. Press, 2005), 20.

⁹ J. G. Lockhart, Memoirs of the Life of Sir Walter Scott, bart., 10 vol. (Edinburgh: Robert Cadell, 1837), 1:318. Scott's duties were indeed "far from heavy," mainly because most of the work was carried out by the Sheriff Depute, who lived in Melrose, while Scott, who lived and practiced in Edinburgh, had only to supply written reports.

¹⁰ Walter Scott, The Black Dwarf, ed. P. D. Garside (Edinburgh: Edinburgh Univ. Press, 1993), 15. The coincidence of two publications, in subsequent years, with the title The Black Dwarf is an intriguing one: could there be a connection between the Tory Walter Scott's short novel of 1817 and Thomas Wooler's radical newspaper with the same title, which started the following year? The best case for a direct connection is made by Steven E. Jones, who argues that both Black Dwarves are scapegoat figures from popular Northern mythology. Given the cultural prominence of "The Author of Waverley," Wooler is certainly likely to have been aware of the book, although one might suspect that he had not read it in any great detail, as Scott's Black Dwarf turns out also to be Sir Edward Morley, a kind of deus ex machina aristocrat who shores up the fortunes of an ancient family. The most likely explanation is that Wooler borrowed the

Dwarf's personality, rather than his politics, for his own short-tempered social commentator, perhaps, as Jones argues persuasively, as an ironic gesture. Steven E. Jones, Satire and Romanticism (New York: St. Martin's Press, 2000), 80-1.

¹¹ Henry Cockburn, Memorials of his Time (Edinburgh: Adam and Charles Black, 1856), 82.

¹² The London Chronicle, 2-5 Sept 1797. The Eccles protest and other incidents around Jedburgh and Selkirk in the summer of 1797 were also reported in The Evening Mail (28 Aug), The Star (29 Aug), London Evening Post (29 Aug), Oracle and Public Advertiser (30 Aug), London Packet (30 Aug), The Times (5 Sept).

¹³ See Henry W. Meikle, Scotland and the French Revolution (Glasgow: James Maclehose, 1912), 184.

¹⁴ For debates about the militia question, see Richard B. Sher, "Adam Ferguson, Adam Smith, and the Problem of National Defence," Journal of Modern History 61 (1989): 240-68. The now elderly Adam Ferguson, living in the Borders town of Peebles at the time of the Militia Act, disapproved of the ballot-system on ideological grounds although he reluctantly agreed to his own son's name going forward.

¹⁵ Kenneth J. Logue, Popular Disturbances in Scotland: 1780-1815 (Edinburgh: John Donald, 1979), 9-10.

¹⁶ Gordon Pentland, "The French Revolution. Scottish Radicalism and the 'People Who Were Called Jacobins,'" in Ulrich Broich, H. T. Dickinson, Eckhart Hellmuth (eds), Reactions to Revolutions: The 1790s and Their Aftermath (Berlin: Lit Verlag, 2007), 87.

¹⁷ See George Tancred, The Annals of a Border Club (Jedburgh: T. S. Smail, 1899), 427-30. The “gentleman” is named as “Mr. Scott of Wooll,” perhaps Charles Scott of Wooll, whose father had been Sheriff of Selkirkshire.

¹⁸ Logue, 85.

¹⁹ Quoted in Logue, 82.

²⁰ Nigel Leask, “Thomas Muir and The Telegraph: Radical Cosmopolitanism in 1790s Scotland,” History Workshop Journal 63 (2007): 55.

²¹ A Complete Collection of State Trials and Proceedings for High Treason and other Crimes and Misdemeanours, ed. by T. B. Howell and Thomas Jones Howell, 32 vol. (London: Longmans and others, 1817-19), 23:117. Further references to column numbers in this volume of the State Trials are abbreviated ST and appear parenthetically in the text.

²² Henry Cockburn, An Examination of the Trials for Sedition which have hitherto occurred in Scotland, 2 vol. (Edinburgh: David Douglas, 1888), 1:147.

²³ Cockburn, Examination, 1:162.

²⁴ The English legal system’s prosecution of constructive treason is the subject of John Barrell’s magisterial Imagining the King’s Death: Figurative Treason, Fantasies of Regicide 1793-96. (Oxford: Oxford Univ. Press, 2000). The problem of constructive treason is introduced on 40-44.

²⁵ Cockburn, Examination, 1:165.

²⁶ Kevin Gilmartin, Print Politics: the Press and Radical Opposition in Early Nineteenth-Century England (Cambridge: Cambridge Univ. Press, 1996), 120.

²⁷ Cockburn, Examination, 1:176.

²⁸ Cockburn, Examination, 1:5.

²⁹ William Godwin, The Enquirer (London: G. C. and J. Robinson, 1797), 138.

³⁰ Ian Hayward, The Revolution in Popular Literature: Print, Politics and the People, 1790-1860 (Cambridge: Cambridge Univ. Press, 2004), 22.

³¹ These lines are from Thomas Spence's poem "Alteration," quoted and discussed in Anne Janowitz, Lyric and Labour in the Romantic Tradition (Cambridge: Cambridge Univ. Press, 1998), 83.

³² Jon P. Klancher, The Making of English Reading Audiences 1790-1832 (Madison: Univ. of Wisconsin Press, 1987), 110.

³³ The Life and Opinions of Thomas Preston, Patriot and Shoemaker, containing much that is curious, much that is useful, more that is true, and a great deal more (perhaps,) than is expected! (London: Printed for the Author by J. Seals, 1817), 13.

³⁴ Simon Dentith, Epic and Empire in Nineteenth-Century Britain (Cambridge: Cambridge Univ. Press 2006), 41.

³⁵ Nancy Moore Goslee, Scott the Rhymers (Lexington,: Univ. of Kentucky Press, 1988), 21.

³⁶ Celeste Langan, "Understanding Media in 1805: Audiovisual Hallucination in The Lay of the Last Minstrel," Studies in Romanticism 40 (2001): 49-70.

³⁷ Leask, 55.

³⁸ Walter Scott, Letter to Anna Seward, The Letters of Sir Walter Scott, ed. H. J. C. Grierson, 12 vol. (London: Constable, 1932-37), 1:243. The general difficulty of precisely establishing the book's whereabouts, causality and function is underscored in a letter to Scott from James Hogg, who writes: "I have not yet discovered what the terrible parade of fetching Michael Scott's black book from the tomb served or what was done with it of consequence before returned." The

Collected Letters of James Hogg, ed. Gillian Hughes, 3 vol. (Edinburgh: Edinburgh Univ. Press, 2005-08), 1:61.

³⁹ William R. McKelvy, The English Cult of Literature: Devoted Readers, 1774-1880 (Charlottesville and London: Univ. of Virginia Press, 2007), 114.

⁴⁰ Duncan, 200.

⁴¹ Goslee, 20.

⁴² Maureen N. McLane, Balladeering, Minstrelsy, and the Making of British Romantic Poetry (Cambridge: Cambridge Univ. Press 2008), 131, 130.